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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,304	07/22/2003	Masafumi Matsuda	S01459.70053.US	7805

7590 11/24/2006
Randy J. Pritzker
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

LY, ANH

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/624,304	MATSUDA ET AL.	
	Examiner	Art Unit	
	Anh Ly	2162	

All participants (applicant, applicant's representative, PTO personnel):

(1) Anh Ly. (3) _____.

(2) Mr. Randy J. Pritzker (Reg. No. 35,986). (4) _____.

Date of Interview: FRI. 11/17/2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: 1 and 10.

Identification of prior art discussed: PUBNO. US 2002/0090206 of Kikuchi et al.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicants' representative agreed to make amendment to clarify a data processing apparatus in preamble and in the body of claims and to overcome 101 problem (software per se). The proposal amendment-but-not-enter was overcome the applied reference, '206.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



11/17/06

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



F A X C O V E R

*******OFFICIAL FAX*******

Date: November 8, 2006 **Number of pages (including cover):** 3

To: Examiner A. Ly, Group Art Unit 2162, US Patent and Trademark Office

Fax No.: (571) 273-4039

Serial No.: 10/624,304-Conf. #7805

Title: DATA PROCESSING APPARATUS, DATA PROCESSING METHOD, DATA PROCESSING SYSTEM, STORAGE MEDIUM AND PROGRAM

From: Randy J. Pritzker

Direct dial: (617) 646-8000

Our File #: S1459.70053US00

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of Examiner A. Ly, Group Art Unit, 2162, US Patent and Trademark Office, FAX number (571) 273-4039, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on Nov 8, 2006

[Signature]
June E. Kaps

ORIGINAL DOCUMENTS WILL NOT BE MAILED.

MESSAGE: Transmitted herewith please find an INTERVIEW AGENDA (Not for Entry) (2 pages).

This transmission contains confidential information intended for use only by the above-named recipient. Reading, discussing, distributing, or copying this message by anyone other than the named recipient, or his or her employees or agents, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone (collect), and return the original message to us at the address below via the U.S. Postal Service.

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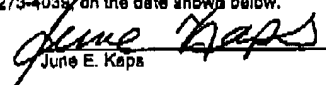
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NOT FOR ENTRYDocket No.: S1459.70053US00
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Masafumi Matsuda et al.
Serial No.: 10/624,304
Confirmation No.: 7805
Filed: July 22, 2003
For: DATA PROCESSING APPARATUS, DATA PROCESSING
METHOD, DATA PROCESSING SYSTEM, STORAGE MEDIUM
AND PROGRAM
Examiner: A. Ly
Art Unit: 2162

Certificate of Transmission Under 37 CFR 1.8	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to Examiner A. Ly, Group Art Unit 2162, U.S. Patent and Trademark Office, facsimile no. (671) 273-4039, on the date shown below.	
Dated: <u>11/8/06</u>	 June E. Kaps

INTERVIEW AGENDA - NOT FOR ENTRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to Examiner Ly's request, a proposed agenda for a telephone interview follows. Examiner Ly has requested a proposed agenda before deciding whether to grant the telephone interview.

Applicants' representatives would like to discuss the rejection of independent claims 1, 9, 10 and 18 under 35 U.S.C. § 103(a) as purportedly being obvious in view of U.S. Patent Publication No. 2002/0090206 to Kikuchi et al. ("Kikuchi") and U.S. Patent Publication No. 2002/0132612 to Ishii ("Ishii"). In the draft response which Applicants' representatives enclose with this proposed agenda, each independent claim is amended to distinguish over the asserted combination. Specifically, each independent claim has been amended to require the detection of a reproduction status of a plurality of content data items, a selection of a content data item from the plurality of content data items depending on a reproduction status of the content data item, and a transmission of a list which shows the selected content data item.

1101146.1

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Neither Kikuchi nor Ishii disclose or suggest these limitations. Kikuchi discloses a recording medium on which audio, video and management data is stored in a hierarchical structure (Abstract). While Kikuchi discloses recording data on the medium (see, e.g., ¶[0139]), reproducing a data item (¶[0088]), and detecting the status of the reproduction of a single data item (¶[0218]), Kikuchi fails to disclose or suggest selecting a content data item from a plurality of content data items depending on a reproduction status of the content data item. Ishii fails to remedy this deficiency of Kikuchi, as Ishii discloses a data-transmission-reception system which does not relate at all to selecting a content data item from a plurality of content data items depending on a reproduction status of the content data item. In addition, because neither Kikuchi nor Ishii disclose or suggest selecting a content data item from a plurality of content data items depending on a reproduction status of the content data item, these references necessarily fail to disclose or suggest transmitting a list showing a content data item selected depending on its reproduction status.

Accordingly, Applicants' representatives wish to discuss whether the amendments to the independent claims place the application in condition for allowance.

Applicants' representatives thank Examiner Ly for agreeing to review this proposed agenda, and respectfully request that the Examiner grant Applicants' representatives' request for a telephone interview. If the Examiner has any questions concerning the foregoing, he is invited to contact the undersigned at the number provided below.

Dated: 11-8-06

Respectfully submitted,

By Randy J. Pritzker
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